

**To:** The Honorable Mayor and Council

**From:** Tanya Wilson-Sejour, AICP, Planning Manager, Community Planning & Development

**Date:** September 21, 2015

**Re:** Amendment To The Local Housing Assistance Plan (LHAP)

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN AMENDMENT TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM'S LOCAL HOUSING ASSISTANCE PLAN (LHAP), TO INCREASE THE MAXIMUM AMOUNT ALLOCATED TO ADMINISTRATIVE COSTS INCURRED BY THE CITY OF NORTH MIAMI FROM THREE (3) PERCENT TO TEN (10) PERCENT, IN ACCORDANCE WITH SECTION 420.9075(7), FLORIDA STATUTES (2015) AND RULE-CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS AND CERTIFICATIONS TO EFFECTUATE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**RECOMMENDATION**

It is recommended that the Mayor and Council approve the amendment of the Local Housing Assistance Plan (LHAP) for fiscal years (2014-15), (2015-2016), (2016-2017) for the City's State Housing Initiatives Partnership (SHIP) program, to increase the maximum administrative amount allocated from 3 percent to 10 percent in accordance with the requirements of section 420.9075(7), Florida Statutes (2015) and Rule Chapter 67-37.

**PURPOSE & INTENT**

Florida Housing Finance Corporation provides funds for affordable housing activities in the form of a grant provided through the State Housing Initiative Partnership (SHIP) Program. As a requirement for funding, the City must submit a plan every three years. The City Council approved the LHAP on May 27, 2014

by adopting Resolution No. 2014-R-46. Based on state law, the resolution was adopted with a 3% allocation from the City's SHIP funds toward Administrative cost. However since then the state's requirements were revised to adjust the allocation from 3% to 10 %.

As such, Florida Statutes 420.9075 (7) states the costs of administering the program may not exceed 10 percent of the local housing distribution plus 5 % program income deposited into the trust fund, except that small counties, as defined in 120.52(17) and eligible municipalities receiving a local housing distribution of up to \$350,000.00 may use up to 10 percent of program income for administrative costs. In the past, the City only allocated 3% (\$ 5,545.00) toward administrative cost from the total amount \$ 184,849.00 SHIP allocation. The proposed request seeks to amend the City's LHAP to allow for the 10% administrative set aside in order to satisfy the state's requirements.

### **CONCLUSION**

Upon Mayor and Council approval, the existing LHAP (2014-2015), (2015-2016), (2016-2017) will be amended to be ensure consistency with Florida Statutes 420.9075 and Rule-Chapter 67-37 of the Florida Administrative Code. The City's allocation of Federal and State funds has drastically diminished over the last 10 year by \$1,000,000.00 (one million) . As such the City's limited funding poses a challenge in fully covering operating costs. The increased allocation will help the city to more effectively maintain adequate staffing in order to efficiently serve the public and successfully comply with all State and Federal law.

TWS/mjp

Attachments: 1) Resolution  
2) LHAP  
3) Florida Statutes – 420.9075 (7)



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN AMENDMENT TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM'S LOCAL HOUSING ASSISTANCE PLAN (LHAP), TO INCREASE THE MAXIMUM AMOUNT ALLOCATED TO ADMINISTRATIVE COSTS INCURRED BY THE CITY OF NORTH MIAMI FROM THREE (3) PERCENT TO TEN (10) PERCENT, IN ACCORDANCE WITH SECTION 420.9075(7), FLORIDA STATUTES (2015) AND RULE-CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS AND CERTIFICATIONS TO EFFECTUATE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Session Laws, allocating a portion of documentary stamp taxes on deeds to local governments, for the development and maintenance of affordable housing; and

**WHEREAS**, the State Housing Initiatives Partnership Act ("SHIP"), Sections 420.907-420.9079, Florida Statutes, and Rule-Chapter 67-37, Florida Administrative Code, requires local governments to develop a one to three-year Local Housing Assistance Plan ("LHAP") outlining how funds will be used and to adopt any amendments to the LHAP that may include new strategies in the program; and

**WHEREAS**, on May 27, 2014, the City of North Miami ("City") passed Resolution No. 2014-R-46, adopting the LHAP for fiscal years 2014-2015, 2015-2016 and 2016-2017, as part of the City's compliance and operation of the SHIP program as required by the State of Florida; and

**WHEREAS**, the LHAP currently allows a for a maximum allocation of three (3) percent of funds to cover administrative costs incurred by the City in administering the program; and

**WHEREAS**, Section 420.9075(7), Florida Statutes (2015), allows eligible municipalities receiving a local housing distribution of up to Three Hundred Fifty Thousand Dollars (\$350,000.00), to use up to ten (10) percent of program income for administrative costs; and

**WHEREAS**, City administration respectfully requests authorization to amend the LHAP, in order to increase the percentage allocation to adequately cover the administrative costs incurred by the City in administering the program; and

**WHEREAS**, the Mayor and City Council find it in the best interest of the City to amend the LHAP, in accordance with Section 420.9075(7), Florida Statutes (2015), limiting the City's exposure of covering administrative costs incurred in the administration of the program.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**     **Approval of Increase.** The Mayor and City Council of the City of North Miami, Florida, hereby approve an amendment to the State Housing Initiatives Partnership (SHIP) Program's Local Housing Assistance Plan (LHAP), to increase the maximum amount allocated to administrative costs incurred by the City of North Miami from three (3) percent to ten (10) percent, in accordance with Section 420.9075(7), Florida Statutes (2015) and Rule-Chapter 67-37, Florida Administrative Code.

**Section 2.**     **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute and submit all necessary documents and certifications to effectuate the amendment.

**Section 3.**     **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

subsection shall repay such funds to the corporation not later than the expenditure deadline for the fiscal year in which the funds were awarded. Amounts not repaid shall be withheld from the subsequent year's distribution. Any portion of such funds not distributed under this subsection by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

(7) A county receiving local housing distributions under this section or an eligible municipality that receives local housing distributions under an interlocal agreement shall expend those funds in accordance with the provisions of ss. 420.907-420.9079, rules of the corporation, and the county's local housing assistance plan.

**History.**--s. 32, ch. 92-317; s. 36, ch. 97-167; s. 15, ch. 98-56; s. 49, ch. 99-247; ss. 82, 83, ch. 2000-153; s. 28, ch. 2009-96.

#### **420.9075 Local housing assistance plans; partnerships.--**

(1)(a) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program shall develop and implement a local housing assistance plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including, but not limited to, homeless people, the elderly, migrant farmworkers, and persons with disabilities. Counties or eligible municipalities may include strategies to assist persons and households having annual incomes of not more than 140 percent of area median income. The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing.

(b) Local housing assistance plans may allocate funds to:

1. Implement local housing assistance strategies for the provision of affordable housing.
2. Supplement funds available to the corporation to provide enhanced funding of state housing programs within the county or the eligible municipality.
3. Provide the local matching share of federal affordable housing grants or programs.
4. Fund emergency repairs, including, but not limited to, repairs performed by existing service providers under weatherization assistance programs under ss. 409.509-409.5093.
5. Further the housing element of the local government comprehensive plan adopted pursuant to s. 163.3184, specific to affordable housing.

(2)(a) Each county and each eligible municipality participating in the State Housing Initiatives Partnership Program shall encourage the involvement of appropriate public sector and private sector entities as partners in order to combine resources to reduce housing costs for the targeted population. This partnership process should involve:

1. Lending institutions.



2. Housing builders and developers.
3. Nonprofit and other community-based housing and service organizations.
4. Providers of professional services relating to affordable housing.
5. Advocates for low-income persons, including, but not limited to, homeless people, the elderly, and migrant farmworkers.
6. Real estate professionals.
7. Other persons or entities who can assist in providing housing or related support services.

(b) The specific participants in partnership activities may vary according to the community's resources and the nature of the local housing assistance plan.

(3)(a) Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.

(b) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.

(c) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.

(d) Each county and each eligible municipality shall describe initiatives in the local housing assistance plan to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

(e) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for the preservation of assisted housing.

(4) Each local housing assistance plan is governed by the following criteria and administrative procedures:

(a) Each county, eligible municipality, or entity formed through interlocal agreement to participate in the State Housing Initiatives Partnership Program must develop a qualification

system and selection criteria for applications for awards by eligible sponsors, adopt criteria for the selection of eligible persons, and adopt a maximum award schedule or system of amounts consistent with the intent and budget of its local housing assistance plan, with ss. 420.907-420.9079, and with corporation rule.

(b) The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

(c) In accordance with the provisions of ss. 760.20-760.37, it is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

(d) As a condition of receipt of an award, the eligible sponsor or eligible person must contractually commit to comply with the affordable housing criteria provided under ss. 420.907-420.9079 applicable to the affordable housing objective of the award. The plan criteria adopted by the county or eligible municipality must prescribe the contractual obligations required to ensure compliance with award conditions.

(e) The staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county, or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(a) At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons.

(b) At least 75 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing.

(c) Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.

(d) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.



(e)1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons except as otherwise provided in this section.

2. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons. This subparagraph does not apply to a county or an eligible municipality that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the Legislature for which the Legislature has declared its intent to provide affordable housing. The exemption created by this act expires on July 1, 2013, and shall apply retroactively.

(f) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

(g) Loans or grants for eligible rental housing constructed, rehabilitated, or otherwise assisted from the local housing assistance trust fund must be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan unless reserved for eligible persons for 15 years or the term of the assistance, whichever period is longer. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

(h) Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by the county or eligible municipality in its local housing assistance plan.

(i) The total amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or her or his designee must be made affordable.

(j) The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

(k) The benefit of assistance provided through the State Housing Initiatives Partnership Program must accrue to eligible persons occupying eligible housing. This provision shall not be construed to prohibit use of the local housing distribution funds for a mixed income rental development.

(l) Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (b) or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing,



and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (b), program income as defined in s. 420.9071(24) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (e) of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

(6) Each county or eligible municipality receiving local housing distribution moneys shall establish and maintain a local housing assistance trust fund. All moneys of a county or an eligible municipality received from its share of the local housing distribution, program income, recaptured funds, and other funds received or budgeted to implement the local housing assistance plan shall be deposited into the trust fund; however, local housing distribution moneys used to match federal HOME program moneys may be repaid to the HOME program fund if required by federal law or regulations. Expenditures other than for the administration and implementation of the local housing assistance plan may not be made from the fund.

(7) The moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. The cost of administering the plan may not exceed 5 percent of the local housing distribution moneys and program income deposited into the trust fund. A county or an eligible municipality may not exceed the 5-percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.



(8) Pursuant to s. 420.531, the corporation shall provide training and technical assistance to local governments regarding the creation of partnerships, the design of local housing assistance strategies, the implementation of local housing incentive strategies, and the provision of support services.

(9) The corporation shall monitor the activities of local governments to determine compliance with program requirements and shall collect data on the operation and achievements of housing partnerships.

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(a) The number of households served by income category, age, family size, and race, and data regarding any special needs populations such as farmworkers, homeless persons, persons with disabilities, and the elderly. Counties shall report this information separately for households served in the unincorporated area and each municipality within the county.

(b) The number of units and the average cost of producing units under each local housing assistance strategy.

(c) The average area purchase price of single-family units and the amount of rent charged for a rental unit based on unit size.

(d) By income category, the number of mortgages made, the average mortgage amount, and the rate of default.

(e) A description of the status of implementation of each local housing incentive strategy, or if applicable, the local housing incentive plan as set forth in the local government's adopted schedule for implementation.

(f) A concise description of the support services that are available to the residents of affordable housing provided by local programs.

(g) The sales price or value of housing produced and an accounting of what percentage was financed by the local housing distribution, other public moneys, and private resources.

(h) Such other data or affordable housing accomplishments considered significant by the reporting county or eligible municipality or by the corporation.



(11) The report shall be made available by the county or eligible municipality for public inspection and comment prior to certifying the report and transmitting it to the corporation. The county or eligible municipality shall provide notice of the availability of the proposed report and solicit public comment. The notice must state the public place where a copy of the proposed report can be obtained by interested persons. Members of the public may submit written comments on the report to the county or eligible municipality and the corporation. Written public comments shall identify the author by name, address, and interest affected. The county or eligible municipality shall attach a copy of all such written comments and its responses to the annual report submitted to the corporation.

(12) The corporation shall review the report of each county or eligible municipality and any written comments from the public and include any comments concerning the effectiveness of local programs in the report required by s. 420.511.

(13)(a) If, as a result of the review of the annual report or public comment and written response from the county or eligible municipality, or at any other time, the corporation determines that a county or eligible municipality may have established a pattern of violation of the criteria for a local housing assistance plan established under ss. 420.907-420.9079 or that an eligible sponsor or eligible person has violated the applicable award conditions, the corporation shall report such pattern of violation of criteria or violation of award conditions to its compliance monitoring agent and the Executive Office of the Governor. The corporation's compliance monitoring agent must determine within 60 days whether the county or eligible municipality has violated program criteria and shall issue a written report thereon. If a violation has occurred, the distribution of program funds to the county or eligible municipality must be suspended until the violation is corrected.

(b) If, as a result of its review of the annual report, the corporation determines that a county or eligible municipality has failed to implement a local housing incentive strategy, or, if applicable, a local housing incentive plan, it shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected county or eligible municipality.

1. The notice must specify a date of termination of the funding if the affected county or eligible municipality does not implement the plan or strategy and provide for a local response. A county or eligible municipality shall respond to the corporation within 30 days after receipt of the notice of termination.

2. The corporation shall consider the local response that extenuating circumstances precluded implementation and grant an extension to the timeframe for implementation. Such an extension shall be made in the form of an extension agreement that provides a timeframe for implementation. The chief elected official of a county or eligible municipality or his or her designee shall have the authority to enter into the agreement on behalf of the local government.

3. If the county or the eligible municipality has not implemented the incentive strategy or entered into an extension agreement by the termination date specified in the notice, the local housing distribution share terminates, and any uncommitted local housing distribution funds held



# **THE CITY OF NORTH MIAMI**



## **STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM**

### **LOCAL HOUSING ASSISTANCE PLAN (LHAP)**

**FOR FISCAL YEARS  
2014-2015; 2015-2016; 2016-2017**

Dated 4/2014

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Dated 4/2014



I. **PROGRAM DESCRIPTION:**

A. **Name of the participating local government:** City of North Miami

Inter-local: Yes \_\_\_\_\_ No X  
No Inter-local Agreements have been executed.

B. **Purpose of the program:**

The City of North Miami's Local Housing Assistance Plan aims to encourage provisions of affordable housing for the very low, low, and moderate income residents as defined in Section 420.9071 (19), (20), (28), F.S. Its primary purpose is to meet the housing needs of the very low, low and moderate income households, to expand production of and preserve affordable housing, to further the housing element in the City's Comprehensive and Consolidated Plans specific to affordable housing. The need for affordable housing is extensively documented and addressed in the City's Comprehensive and Consolidated Plans.

C. **Fiscal years covered by the Plan:** 2014-2015; 2015-2016; 2016-2017

D. **Governance:**

This Plan identifies and describes the City of North Miami's strategies for the implementation of the State Housing Initiatives Partnership (SHIP) Program, as established in Article VII of the City of North Miami Code of Ordinances and the City's Comprehensive Plan, pursuant to Section 420.907-420.9079, Florida Statutes, and pursuant to Rule 1 Chapter 67-37.006, Florida Administrative Code. CITIES AND COUNTIES MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATUTE AND RULES. The SHIP Program does further the housing element of the City of North Miami's Comprehensive Plan.

E. **Local Housing Partnership:**

The City of North Miami SHIP Program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups to promote and produce affordable housing.

F. **Leveraging:**

This Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. The City of North Miami SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs. Specifically, the City has leveraged funds from Miami-Dade County (Surtax), Community Development Block Grant (CDBG) and the Home Investment Partnership Program (HOME).

Dated 4/2014

**G. Public Input:**

Public input will be solicited if SHIP funds or substantial Program income becomes available. Ads are placed in the following local newspaper, the Daily Business Review. Community workshops have been held and City funded community based organizations are actively involved in disseminating information throughout the community. The advertisements will focus on the Local Housing Assistance Plan and the Notice of Funding Availability.

**H. Advertising and Outreach:**

The City of North Miami advertisements and Notice of Funding Availability will be published in the Daily Business Review, a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required. Outreach efforts will include distributing flyers and brochures to churches, community organizations and local public facilities to inform the general public of the program's existence. Applicant referrals from social service agencies, non-profit housing developers, low-income housing developers, and for-profit housing developers/builders will also be encouraged.

**I. Discrimination:**

The City of North Miami's Local Affordable Housing Assistance Program shall not discriminate in the application or the award process in any manner whatsoever. In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

**J. Support Services and Counseling:**

The City of North Miami, in partnership with Little Haiti Housing Association, Inc. has implemented a Home Ownership Education Training Program. The program is designed to prepare participants for successful home ownership. The program also offers post purchase counseling with focus on home maintenance, mortgage delinquency intervention and community program seminars.

**K. Purchase Price Limits:**

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in Miami-Dade County MSA statistical area in which the eligible housing is located. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above. The methodology used by the City of North Miami is:

  X   Florida Housing Finance Corporation bond study numbers

Dated 4/2014



\_\_\_\_\_ U.S. Treasury Department  
\_\_\_\_\_ Local HFA Numbers

The purchase price limit for new and existing homes is shown on the Housing Delivery Goals Charts

**L. Income Limits and Affordability:**

The Income Limits used in the SHIP Program are updated annually from the Department of Housing and Urban Development and distributed by Florida Housing Finance Corporation. Affordable means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households, as indicated in Sections 420.9071 (19), (20) and (28), F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing. Housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark.

**M. Welfare Transition Program:**

Should a eligible sponsor be used, the City of North Miami will develop a qualification system and selection criteria for applications for Awards to eligible sponsors, which includes a description that demonstrates how eligible sponsors that employed personnel from the Welfare Transition Program will be given preference in the selection process.

**N. Monitoring and First Right of Refusal:**

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored for at least annually for 15 years or the term of assistance whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

**O. Administrative Budget:**

A detailed listing including line-item budget of proposed Administrative

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Expenditures is attached as Exhibit A. These are presented on an annual basis for each State fiscal year submitted.

The City of North Miami finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. In accordance with Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, the City of North Miami may not exceed the three (3%) percent limitation on administrative costs, as the City receives a local housing distribution of up to \$350,000 may use up to three (3%) percent of program income for administrative costs.

**P. Program Administration:**

In compliance with the SHIP program criteria, the North Miami City Council adopted Article VII of Chapter 29 of the City of North Miami Code of Ordinances which establishes a Housing Assistance Trust Fund and Affordable Housing Advisory Committee, and assigning the responsibility for administration and implementation of this Local Housing Assistance Plan to the City's Community Planning and Development Department.

**Q. Essential Service Personnel:**

Essential Services Personnel are defined locally as teachers and educators; school district, community college and university employees; law enforcement personnel; fire and rescue personnel; health care personnel; persons employed in local businesses essential to the County's economy; county and local government personnel; utility (water/sewer, electric, communication) personnel; information technology personnel; child care personnel; and skilled trades and others employed in positions that provide government and municipal services essential to maintaining a high quality of life in and for North Miami, Florida. Define in accordance with Rule Chapter 67-37.002(8) F.A.C. and Chapter 67-37.005(8), F.A.C. and Section 420.9075(3)(a) FS.

**R. Recaptured Funds:**

Recaptured funds are monies recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(g) from eligible persons or eligible sponsors who default on the terms of a grant award or loan award. **Program Income** are proceeds derived from interest earned on or investment of the local housing distribution and other funds deposited into the local housing assistance trust fund, proceeds from loan repayments, recycled funds, and all other income derived from use of funds deposited in the local housing assistance trust fund. It does not include recaptured funds.

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**S. Green Initiatives:**

On September 25, 2007, The City of North Miami adopted Resolution number 2007-130 establishing the Green Residential Rehabilitation Standards (NMRRS) which provides for a level of commitment to the use of green design, construction, and management principles when conducting residential rehabilitation. The NMRRS also establishes specifications for materials, measures and installation for the major components of a residential structure including, but not limited to, structural, roofing, HVAC (heating/ventilation/air conditioning), electrical and plumbing systems. The NMRRS applies to both single family and multi-family residential structures. The City believes that greener buildings are key components in achieving sustainable communities which are good places to work, do business and raise children.

The City's commitment is also evident with the implementation of a series of "Green" Initiatives which is incorporated into the City's Comprehensive Plan and Land Development Regulations, designed to produce energy-efficient and resource-efficient buildings with healthier indoor air, while carrying out needed rehabilitation in a manner that preserves the environment and improve the lives of residents. The implementation of "green" initiatives also improve families by preserving family income and wealth through lower utility bills; connect neighborhoods to green-related job opportunities in the design and building trades; and support healthier lifestyles by exposing residents to fewer toxic substances, and lessening respiratory problems.

To facilitate its commitment to green building and environmentally friendly principles, the City has included standard requirements and policies not only in the NMRRS, but also in the Housing Element of the Comprehensive Plan, which require both Contractors and participants in the housing programs to implement relevant standards to achieve these goals. Some of the requirements are considered to be cost effective and practical, such as requiring the Contractors in the City's housing programs including residential rehabilitation to install low flush toilets and showerheads and to use low reflective materials on the roof and high energy efficient windows and doors to increase cooling.

The Green NMRRS is hereby incorporated by reference.

**II. LHAP HOUSING STRATEGIES: (*pursuant to Chapter 67-37.005(8), F.A.C.*)**

**1. First Time Homebuyer Down Payment/Closing Cost Assistance**

- a. **Summary of the Strategy:** This strategy emphasizes affordable home ownership for first time home buyers, defined as persons not owning a home within the last three (3) years. Qualified households may secure deferred loans up to \$25,000 for down payment or closing costs to assist in the

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acquisition of a single-family home, town home or condominium. This strategy will also assist with minor repairs up to \$5,000, for a total maximum amount of assistance of \$30,000.

- b. Fiscal Years Covered: 2014-2015; 2015-2016; 2016-2017.
  - c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
- d. Maximum award is noted on the Housing Delivery Goals Charts:
  - e. Terms, Recapture, Program Income and Default: The SHIP funds are provided as a deferred loan. There are no monthly payment requirements associated with this loan. The deferred loan will be partially forgiven each year over a 7-year period, at the conclusion of which the debt will be considered satisfied. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the loan recipient shall pay to the City the remaining balance of the loan, plus interest on the balance due at that time. Interest shall be computed at the rate of 4% per annum, simple interest. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.
- f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to the elderly- age 62 and older, the disabled, low-income large families- seven (7) or more persons and essential services personnel.
- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

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- h. Additional Information: This strategy also intends to create an informed homebuyer. Therefore, all applicants seeking participation in the First-time Homebuyer Program are required to take a homebuyer education and/or credit counseling course. The course must be 6 to 8 hours and provide valuable information that will educate the buyer about the critical and delicate areas of owning a home. The course may be a one day group sitting or a series of one-on-one counseling, with a minimum of 6 hours. The course must cover money management, credit monitoring and tips on maintaining your home. The non-profit shall conduct or refer the applicant to a certified homebuyer or credit counseling program. The cost of the course may be between \$200 and \$400 per person.

2. **Foreclosure Prevention**

- a. Summary of the Strategy: It is important to assist families in purchasing a home. It is equally important to help families stay in their homes while protecting the City's investment in affordable housing throughout the community. The City will assist homeowners who become delinquent or default on their mortgage payments. This strategy will be available to all income eligible households.
- b. Fiscal Years Covered: 2014 - 2015; 2015 - 2016; 2016 - 2017 .
  - c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
- d. Maximum award is noted on the Housing Delivery Goals Charts:
  - e. Terms, Recapture, Program Income and Default: Participation in a credit counseling program will be required for households to receive assistance. Eligible households will receive a one-time assistance of up to \$5,000 to pay delinquent mortgage payments caused by unforeseen circumstances. If credit counseling services are provided by another agency, the cost of credit counseling will be assessed from the maximum award/deferred loan amount. This deferred loan will be issued with zero percent interest and will be forgiven over a five (5) year period. If at any time during the 5-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the loan recipient shall pay to the City the remaining balance of the loan. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.
  - f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade

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County. Applicants must also demonstrate, by way of a proposed household budget, the ability to maintain good standing with the mortgagor, make timely monthly payments and expresses the desire to remain in their home. Applicants will be selected in accordance with the following criteria:

1. Home Value must be less than the SHIP assistance price limits.
2. Completion of credit counseling
3. Past Due 60 days or more
4. Applicant must provide substantial proof that nonpayment of their mortgage payment was not of their own doing or choice. Acceptable reasons are :
  - a) Loss of Employment
  - b) Divorce or Separation
  - c) Death in immediately family
  - d) Sudden medical expenses
  - e) Unforeseen home repair bills

g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

- h. Additional Information: Finally, eligibility for foreclosure prevention shall be handled in an expedited manner and may include alternative forms of documentation, such as current pay stubs, benefit letters and oral verifications of employment, other income and assets.

### **3. Rehabilitation of Owner-Occupied Units**

- a. Summary of the Strategy: This strategy emphasizes rehabilitation of owner-occupied sub-standard housing units and will target the Special Needs requirements. The maximum award allowable under this strategy is \$25,000 per qualified household.
- b. Fiscal Years Covered: 2014-2015; 2015-2016; 2016-2017.
  - c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
- d. Maximum award is noted on the Housing Delivery Goals Charts:
- e. Terms, Recapture, Program Income and Default: The SHIP funds are provided as a deferred loan. There are no monthly payment requirements

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associated with this loan. The deferred loan will be partially forgiven each year over a 7-year period, at the conclusion of which the debt will be considered satisfied. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default the loan recipient shall pay to the City the remaining balance of the loan, plus interest on the balance due at that time. Interest shall be computed at the rate of 4% per annum, simple interest. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.

- f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to households with Developmental Disabilities, the elderly, the disabled, low-income large families and essential services personnel.
- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.
- h. Additional Information: This strategy seeks to preserve the existing affordable housing stock, with emphasis on home modifications, including technological enhancements and devices which allow homeowners and/or Developmental disabled household members to remain independent in their own homes and maintain their homeownership. .

4. **Disaster Mitigation/Recovery**

- a. Summary of the Strategy: This strategy provides assistance to households following a natural disaster as declared by Executive Order by the President of the United States or the Governor of the State of Florida. This strategy will only be implemented in the event of a natural disaster using any funds that

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have not been encumbered or additional disaster funds that become available and issued by the Florida Housing Finance Corporation. Disaster funds may be used for items such as, but not limited to, the following:

- 1) Purchase of emergency supplies for eligible households to weatherproof damaged homes;
- 2) Interim repairs to prevent further damage; tree and debris removal required to make the housing unit habitable;
- 3) Payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies;
- 4) Other activities as proposed by the federal government, counties and eligible municipalities and approved by Florida Housing Finance Corporation

b. Fiscal Years Covered: 2014 – 2015; 2015 – 2016; 2016 - 2017.

c. Income Categories to be served: Extremely Low, Very low, low and moderate income.

d. Maximum award is noted on the Housing Delivery Goals Charts:

e. Terms, Recapture, Program Income and Default: Disaster fund assistance shall not exceed \$20,000 per eligible unit. Assistance up to \$5,000 will be in the form of a grant. Assistance above \$5,000 up to the maximum will be in the form of a 7-year, deferred, forgivable loan. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the recipient shall pay to the City the remaining balance with no accrued interest. All voluntary loan repayments to the program will be considered as Program Income. Grant recipients must execute an agreement only but loan recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.

f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to the elderly, the disabled, low-income large families and essential services personnel.

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- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

5. **Florida Homebuyer Opportunity Program**

- a. Summary of the Strategy: This strategy is designed in response to the legislative provision requiring SHIP local governments to expend available funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."
- b. Fiscal Years Covered: Not Applicable
- c. Income Categories to be served: Up to \$75,000 for single taxpayers or \$150,000 for joint filers. There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons; and there is no requirement to expend 75% of funds for construction, rehabilitation or emergency repair.
- d. Maximum award is the principal balance of the loans provided shall not exceed 10% of the purchase price or \$8,000 whichever is less.
- e. Terms, Recapture and Default: If the homebuyer repays the City within 18 months after the closing date of the loan, all interest charges shall be waived. The loan term is five (5) years. A homebuyer who fails to fully repay the loan within 18 months shall be subject to repayment terms. Interest shall be computed at the rate of 4% per annum, simple interest. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County. All funds repaid to the City shall be considered "program income" as defined in s. 420.9071 (24).
- f. Recipient Selection Criteria: Recipients must meet the requirements of the following: The maximum income limit shall be Adjusted Gross Income of \$75,000 for single taxpayer households or \$150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and

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**III. LHAP INCENTIVE STRATEGIES**

**A. Expedited Processing of Permits for Affordable Housing**

- a. Established policy and procedures: Permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects. Through the City's Administrative Regulation #130-13 and the City's Comprehensive Plan Policy 2.3.5, an expedited permitting procedure has been implemented. The Community Planning and Development Department coordinates with the Building and Zoning Department to ensure applications to rehabilitate affordable housing units are processed expeditiously, and make available a staff person to serve as an intermediary between the contractor and the permit granting agencies should problems arise. All permits for housing rehabilitation activities funded under SHIP shall be given top priority and issued no later than three (3) working days after the filing. Permits for new construction shall be given top priority and issued no later than ten (10) working days after the final submittal to the City.

**B. Ongoing Review Process:**

- a. Established policy and procedures: This incentive provides a process through which the City of North Miami can assess the impact of proposed policies, procedures and regulations on the cost of housing. Prior to adoption, any proposed policies, procedures and regulations deemed by the Community Planning and Development Department to have the potential for detrimentally impacting the provision of affordable housing in the City of North Miami, shall be referred to the Local Housing Advisory Committee for review and a recommendation to the City Council. Further, site plans and plats are reviewed to ensure that housing development is consistent with the City's Comprehensive Plan, the Code of Ordinances, and its Concurrency

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Management System. Reviews include assessments by the Community Planning and Development and Public Works Departments.

C. Density Flexibility Affordable Housing Advisory Committee (AHAC) Recommendations

a. In addition to Expedited Permitting and Ongoing Review Process (Oversight), the committee has discussed several other additions to the Local Housing Incentive Strategies. The additions being considered are: Density Flexibility, Accessory Dwelling Units, Reduction of Parking and Set-Back Requirements, Flexible Lot Configurations, and Encouraging Development around Transit-Oriented Hubs. The City of North Miami's Land Development Regulations (LDR) has been updated and adopted April 28, 2009, Resolution No. R-2009-57.

IV. EXHIBITS:

- A. Administrative Budget for each fiscal year covered in the Plan. Exhibit A.
- B. Timeline for Encumbrance and Expenditure: *Chapter 67-37.005(6)(d) and (f) F.A.C.*  
A separate timeline for each fiscal year covered in this plan is attached as Exhibit B. Program funds will be encumbered by June 30 one year following the end of the applicable state fiscal year. Program funds will be fully expended within 24 months of the end of the applicable State fiscal year.
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year covered in the Plan: Completed HDGC for each fiscal year is attached as Exhibit C.
- D. Certification Page: Signed Certification is attached as Exhibit D.
- E. Adopting Resolution: Original signed, dated, witnessed or attested adopting resolution is attached as Exhibit E.
- F. Program Information Sheet: Completed program information sheet is attached as Exhibit F.
- G. Ordinance: If changed from the original ordinance, a copy is attached as Exhibit G.
- H. Inter-local Agreement: N/A

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